

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Glenn Shankle, *Executive Director*



TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2008 MAY 27 PM 4:12

CHIEF CLERKS OFFICE

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 27, 2008

LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 105  
Austin, Texas 78711-3087

Re: Industrial Solid Waste Permit No. 87758  
SOAH Docket No. 582-07-2674; TCEQ Docket No. 2007-0362-IHW  
"Executive Director's Reply to the Exceptions"

Dear Ms. Castañuela:

Enclosed is the original plus eleven copies of the "Executive Director's Reply to the Exceptions" to the Proposal for Decision in the above referenced matter. Please call me for any questions regarding this pleading at 512/ 239-5731.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Goss".

J. Diane Goss, Staff Attorney  
Environmental Law Division  
Representing the Executive Director of the  
Texas Commission on Environmental Quality

cc: attached service list  
Enclosure

SOAH Docket No. 582-07-2674  
TCEQ Docket No. 2007-0362-IHW

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APPLICATION BY  
TEXCOM GULF DISPOSAL, L.L.C.,  
FOR TCEQ INDUSTRIAL SOLID  
WASTE PERMIT NO. 87758

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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**EXECUTIVE DIRECTOR'S REPLY TO THE EXCEPTIONS**

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TO THE HONORABLE COMMISSIONERS AND ADMINISTRATIVE LAW  
JUDGES OF THE STATE OFFICE OF ADMINISTRATIVE HEARINGS:

The Executive Director of the Texas Commission on Environmental Quality (TCEQ) files his Reply to the Exceptions to the Proposal for Decision (PFD) prepared by the Administrative Law Judges (ALJs) in the above referenced matter.

I. Public Interest

The Public Interest requirement in the Texas Water Code, Section 27.051 does not apply to this application for a proposed nonhazardous industrial solid waste facility.

The Aligned Individual Protestants included in the *Individual Protestants' Exceptions to the Administrative Law Judges' Proposal for Decision*, a discussion of Public Interest requirements and a recommendation that this application be denied because the Applicant failed to meet its burden with regards to public interest requirements.

The Executive Director is aware of no public interest requirement in the Texas Water

Code, Texas Health and Safety Code, or the Texas Administrative Code that is applicable to this application.

II. Conclusion

The Executive Director respectfully recommends that the Honorable Commissioners issue an order approving the application for Industrial Solid Waste Permit No. 87758.

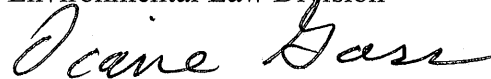
The Executive Director also recommends that the commission order adopt findings of fact and conclusions of law as provided in the *Executive Director's Exceptions*.

Respectfully submitted,

Texas Commission on  
Environmental Quality

Glenn Shankle  
Executive Director

Robert Martinez, Director  
Environmental Law Division

A handwritten signature in cursive script, appearing to read "Diane Goss", is written over a horizontal line.

Diane Goss, Staff Attorney  
State Bar No. 24050678  
Environmental Law Division  
TCEQ  
P.O. Box 13087, MC-173  
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(512)239-0606 (Facsimile)

**CERTIFICATE OF SERVICE**

I certify that on May 27, 2008, the original "Executive Director's Reply to the Exceptions" was filed with the Chief Clerk and served according to the method indicated to the parties and judges identified on the attached mailing list.



J. Diane Goss, Staff Attorney  
Environmental Law Division  
State Bar No. 24050678

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COMMISSION  
ON ENVIRONMENTAL  
QUALITY

**MAILING LIST**

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State Office of Administrative Hearings

Via Courier and Facsimile

The Honorable Catherine C. Egan

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The Honorable Thomas H. Walston

Administrative Law Judge

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Office of Public Interest Counsel

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